

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT SPIVEY,
Petitioner,

v.

JOHN RIVELLO, et al.,
Respondents.

CIVIL ACTION

NO. 18-1740

ORDER

AND NOW, this 28th day of March 2024, upon consideration of Robert Spivey's motion to alter or amend judgment (ECF No. 80), his motion for leave to amend his Petition for Writ of *Habeas Corpus* and to stay and abey the proceedings (ECF No. 81), Respondents' response (ECF No. 86), and all other relevant filings and record evidence, it is hereby **ORDERED**:

1. The motion to alter or amend judgment (ECF No. 80) is **GRANTED** in part and **DENIED** in part. Spivey's motion is **GRANTED** to the extent the Court will reopen the petition and is **DENIED** as to all other relief sought.
2. The motion for leave to amend the petition and to stay and abey the proceedings (ECF No. 81) is **GRANTED**. The Amendment to Petition for Writ of *Habeas Corpus* (ECF No. 81-1) is deemed filed as of September 12, 2023. Spivey's Petition for Writ of *Habeas Corpus* is **STAYED** and held in **ABEYANCE** pending Spivey's exhaustion of his state court remedies.
3. Petitioner shall notify the Court and move to lift the stay within thirty days of the conclusion of the proceedings in state court.
4. There is no probable cause to issue a certificate of appealability.

5. The Clerk of Court shall place this matter on the Civil Suspense Docket pending resolution of Spivey's PCRA petition in state court.

BY THE COURT:

/s/ Gerald J. Pappert
Gerald J. Pappert, J.